

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 13,245

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Appeal of )

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INTRODUCTION

The petitioner requested a fair hearing to protest the manner in which her ANFC grant is being administered by the Department of Social Welfare under the Controlled Vendor Payment System (CVP). The issue is whether the Department's actions are inconsistent with the regulations regarding CVP.

FINDINGS OF FACT

The petitioner, who has an admitted history of substance abuse and problems in maintaining housing for herself and her children, was placed on CVP status when she began receiving ANFC in November, 1994, after a one-month hiatus from the program. At her hearing the petitioner indicated that she had no objection to continuing on CVP, but that she wanted the Department to be ordered to pursue the return of a \$500 deposit it made to her former landlord in the summer of 1994 (the petitioner was on CVP at that time as well) that was not returned by the landlord when the petitioner moved out of that apartment.

The petitioner also requests that the Department be ordered to appoint another caseworker to handle her CVP.

ORDER

The petitioner's requests is denied.

REASONS

The petitioner does not maintain that the Department should not have paid the rent deposit in question, only that it should now take steps to get it back now that the petitioner has moved. Regardless of the circumstances under which the petitioner left the apartment<sup>(1)</sup>, however, the regulations regarding CVP provide that CVP payments "shall not constitute a contractual agreement between the Department and any providers of service to the client". W.A.M. § 2235.4. The corollary of this provision is that the

Department is not responsible to pursue legal claims on behalf of a client that arise from CVP payments that were properly made. The matter is a dispute between the petitioner and her former landlord, and the petitioner is free to pursue her own legal remedies in that regard.

Regarding the petitioner's request for another caseworker, the board has historically declined to take jurisdiction of such disputes when they do not have any bearing on the petitioner's eligibility for or receipt of benefits. See 3 V.S.A. § 3091(a) and Fair Hearings No. 12,994 and 13,063. This is essentially a personnel matter, which the petitioner is free to pursue through the caseworker's district director and the office of the Commissioner. <sup>(2)</sup>

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1. There was no testimony taken at the hearing regarding those circumstances.
2. It should be noted, however, that the CVP regulations require the Department to actively seek a third party payee for the petitioner's vendor payments. See WAM §2235.4. If such a payee could be found, this might alleviate the petitioner's concerns about her present caseworker (although it might just as likely raise concerns by the petitioner about the continued need for such a payee).